

direction, organization and resources that will assure a complete and probing examination of all facts.

In short, it is now clear that this is not an ordinary oversight review but should be a full-fledged investigative effort, with a clear charter and with sufficient staffing and resources. We must do whatever is necessary to get to the bottom of this, and answer the fundamental questions of how intelligence was used to support this war.

#### ALGERIA EARTHQUAKE RESOLUTION

Mr. INHOFE. Mr. President, on May 21st of this year a devastating earthquake shook lives in Algeria and across the world. Two thousand two hundred people were killed, 10,000 were injured, and 200,000 more were left homeless. In response, support from the international community has been overwhelming. The United Nations Disaster Assessment and Coordination Team estimates that 85 international flights from 27 different countries landed in Algiers to assist in the emergency relief effort. Officials in Algeria state that more than 30,000 government workers and 10,000 military personnel were involved in relief activities. The United States alone has given over \$1.3 million in assistance, providing blankets, tents, and medical supplies.

Furthermore I am pleased that many businesses from my home state of Oklahoma are now helping in the reconstruction. They will bring to Algeria the best resources and equipment available to help rebuild the fallen cities. LWPB Architects, Atkins-Benham Constructors and Terex Road Building Group are among the participating companies.

I am pleased to cosponsor this resolution by my colleague from Kansas that expresses our deepest sympathies for the victims of this tragedy. It is our hope that through this international partnership, Algeria will arise a stronger nation.

#### SIXTH CIRCUIT JUDICIAL NOMINEES

Mr. DURBIN. Mr. President, last week I came to the floor to object to the majority leader's attempt to file a discharge petition on four of President Bush's judicial nominees to the Sixth Circuit. I want to clarify the basis of my objection because my comment was taken out of context by the majority leader and Senator MCCONNELL yesterday on the Senate floor.

I said last week that the four nominees should not be moved out of the committee because they haven't yet had a hearing. That is indeed one basis for our objection. I am not aware of any judicial nominee who has been voted on without having a hearing—that is just not the way the judicial confirmation process works.

But I also said that I was objecting on behalf of Senators LEVIN and

STABENOW, who have not returned the blue slips on these four nominees because they believe that President Clinton's nominees to the Sixth Circuit were unfairly denied hearings and votes. The Michigan Senators do not wish to proceed with President Bush's nominees until a fair and just resolution has been reached.

I think this is a valid argument. In the 1990s, the Republicans blocked 65 of President Clinton's judicial nominees many by home-State Senators who refused to return blue slips. I believe that this blockage was a coordinated attempt by Republicans to stall out the clock so that a Republican President might have the chance to fill those vacancies with right-wing ideologues after the 2000 election.

President Clinton nominated three people to the Sixth Circuit who were never given a hearing or a vote, including two people from Michigan. One of President Clinton's Michigan nominees, Helene White, waited 4 years and never received a hearing or vote. The other Michigan nominee, Kathleen McCree Lewis, waited 2 years and never received a hearing or a vote.

Why didn't these two highly qualified women ever receive a hearing or a vote? Because then-Michigan Senator Spencer Abraham didn't return their blue slips. Now the Bush White House is trying to reap the benefits of Senator Abraham's delay tactics.

The Republicans are ignoring the blue slip process today, but they honored the Blue Slip policy in the 1990s as if it were the gospel. Not once did a Clinton judicial nominee get confirmed if their blue slips were not returned. Here is what the Judiciary Committee Chair, Senator HATCH, said on the Senate Floor in October 1999:

After a fair and thorough review in committee and after paying the deference to the President to obtain a vote on the floor, I consider the position of a nominee's home State Senators. These Senators are in a unique position to evaluate whether a nominee instills the confidence in the people of a State necessary to be a successful Federal judge in that State. . . . Thus, there has developed a general custom and practice of my giving weight to the Senators from a nominee's home State. . . . When the President has not adequately consulted with the Senate, it takes longer to gain the consensus necessary to move the nominee. And when both home State Senators of a nominee oppose a nominee on the floor of the Senate, it is almost impossible to vote for the confirmation of that nominee.

Senator HATCH summed it all up in an interview he gave with NPR in 1997. He said: "The policy is that if a Senator returns a negative blue slip, that person's gonna be dead."

Now that the shoe is on the other foot, the Republicans have backed away from the blue slip policy because they have a higher mission: packing the courts with right-wing ideologues.

Not since President Roosevelt's Court-packing plan in 1937 has this country seen a President who has played politics with the courts the way President Bush has. Over the past 2

years, he has nominated some of the most ideologically driven people in the Nation to important judgeships.

They advocate extreme positions that would turn back the clock on women's rights, gay rights, workers' rights, consumer protection, and environmental protection.

Maybe President Bush has selected these people because he wants to pacify the far right wing of his party. Or maybe he truly shares their extreme beliefs.

The bottom line is this: the Republicans are changing the rules for their own partisan gain. They are violating two longstanding principles with the Michigan nominees: 1. not honoring the blue slip process that they so zealously honored when the shoe was on the other foot, and 2. not honoring the Judiciary Committee confirmation process by attempting to confirm these nominees without giving them hearings or a committee vote.

There is an easy resolution to the problem that the Republicans have created. As Senator STABENOW said earlier today on the Senate floor, she and Senator LEVIN have made numerous proposals—including the creation of a bipartisan selection commission like Wisconsin's—to select Michigan's judicial nominees. Unfortunately, the White House has rejected these very reasonable proposals.

I hope that the Bush White House will reconsider its position and work with the Michigan Senators to ensure justice and fairness for the people of Michigan.

In the meantime, it is not appropriate to have hearings on the Michigan nominees.

One final note: The debate over the Michigan nominees should not overshadow the fact that the Senate has confirmed the vast majority of President Bush's nominees. To date, we have confirmed 139 of his judicial appointments 134 to Article III courts, and 5 to the Article I Court of Federal Claims. We have held up just two nominees.

So the score is 139 to 2.

Democrats are accused of being obstructionist, yet we have confirmed so many of President Bush's judges that we now have the lowest judicial vacancy rate in 13 years.

#### PRESCRIPTION DRUG AND MEDICARE IMPROVEMENT ACT

##### PHYSICIAN REFERRALS

Mr. KOHL. Section 453 of S. 1, the Prescription Drug and Medicare Improvement Act, makes changes to current law regarding physician referrals to hospitals in which they have an ownership or investment interest. I would like to engage in a colloquy with my distinguished colleagues, Mr. FEINGOLD and Mr. BAUCUS, the Ranking Member of the Senate Finance Committee, related to the "exception" language included in the bill.

Specifically, I would like to know whether the "exception" language is

applicable to The Wisconsin Heart Hospital, a hospital which is currently under construction in the state of Wisconsin. This facility is scheduled to open in January of 2004.

My understanding is that this provision will not apply to facilities which are "under development" as of June 12, 2003. The following is a summary of the status of the development of The Wisconsin Heart Hospital:

One, architectural plans for the hospital have been completed.

Two, construction of the facility is approximately 55 percent to 60 percent complete as of June 12, 2003. This estimate can be supported by invoices for materials, labor and planning, as well as the timeline for completion dictated by the projected opening date of the hospital. Furthermore, more than \$13.3 million in construction costs have been expended.

Three, all applicable zoning requirements have been satisfied by local governing authorities and can be supported by documentation. In addition, The Wisconsin Heart Hospital has committed \$260,000 to improve the fresh water supply to surrounding community, unrelated to the hospital construction.

Four, State and local building approval processes are ongoing. The facility is subject to monthly inspections by state and local officials.

Five, nearly \$20 million in equipment purchases and/or vendor contract commitments can be documented by officials from the facility.

Six, medical staff bylaws, policies and procedures have been adopted by The Wisconsin Heart Hospital Board.

Seven, all equity funding has been received. In excess of \$35 million in temporary debt financing has been secured for the facility. Of that \$35 million, approximately \$10 million has been borrowed; the remaining \$25 million will be borrowed prior to the end of 2003. Permanent bond financing for the facility has already been initiated and is expected to be secured by November 2003. This permanent bond financing will be used to replace the temporary financing referred to above, as well as to provide additional financing for the facility.

Based on the information stated above, is it your understanding that the "exception" language would apply to The Wisconsin Heart Hospital?

**Mr. BAUCUS. Yes, it was clearly not the intent of the Senate Finance Committee in adopting this amendment to apply the prohibition to specialty hospitals that already exist nor was it the intent of the Committee to apply the prohibition to those facilities which, meeting specified criteria, are under construction currently.**

Mr. KOHL. Additionally, the language of the bill specifically states that in determining whether a hospital is "under development as of June 12, 2003, the Secretary shall consider whether . . . necessary approvals from appropriate state agencies have been received." You are probably aware that laws in many states, including Wisconsin, prohibit hospitals from receiving

a license to operate from relevant state agencies until the facility is structurally complete and fully capable of operating as a hospital. Would you please clarify the Committee's intent with respect to this potential licensure issue for hospitals which are already under development?

Mr. BAUCUS. The committee certainly understands that many states will not license a hospital as operational until the facility is constructed. I believe the committee's intent was to ensure that approvals with respect to the construction of the hospital (i.e., building permits, etc.) have been secured by June 12, 2003. The lack of a license to operate would certainly not prohibit a hospital, which is deemed to be "under development," from the purpose of the statute.

Mr. FEINGOLD. Furthermore, is it the Senator's understanding that for facilities falling under the "Exception" provision, language speaking to the number of "beds" would relate to the number of beds a facility currently under development expects to license upon completion? When fully operational, The Wisconsin Heart Hospital will operate a maximum of 52 inpatient beds. State regulation requires the facility to be open and operational before any beds can be licensed.

**Mr. BAUCUS. Yes, again, in adopting the amendment, it was the understanding of the Senate Finance Committee members that this provision would not apply to facilities which, provided they meet certain criteria, are already under development.**

Mr. KOHL. I thank my distinguished colleagues for the clarification.

ADDITIONAL STATEMENTS

SAIL SAN FRANCISCO

• Mrs. BOXER. Mr. President, I want to express my support for Sail San Francisco—a nonprofit organization that provides a range of services to visiting international tall ships and training ships.

These services, which include docking, technical assistance, and hospitality, were formerly provided by the U.S. Navy in the Bay Area. In the wake of the base closure process, this assistance is no longer available. Over the past several months, Sail San Francisco has coordinated with foreign consulates to facilitate the visit of several foreign navies, playing a valuable role that is filled by the U.S. Navy at other ports throughout the country.

It is my hope that when the fiscal year 2004 Defense appropriations bill is considered in conference, it is possible to provide \$800,000 for Sail San Francisco's naval/tall ships education programs.●

OREGON HEALTH CARE HERO

• Mr. SMITH. Mr. President, I rise today to salute Ms. Janice Kane, an outstanding health care worker from my home State of Oregon. Ms. Kane is a model for all registered nurses, not

just in the state of Oregon, but across the country. Her commitment to serving Oregonians is a shining example to us all.

Like many in her field, Ms. Kane has gone above and beyond the call of duty to help patients in need. In addition to healing broken bodies, she has also worked to support the spirits of those in pain. Over the past two years, Ms. Kane has sewn over 6,000 multi-colored pillows to help comfort patients at the Good Samaritan Regional Medical Center in Corvallis.

However, Ms. Kane's benevolence is not limited to Oregonians; she recently offered boxes of pillows to soldiers wounded in Operation Iraqi Freedom. Her gift to our country's soldiers is one of immeasurable value. By offering her time and talent to this cause, Ms. Kane has helped remind American soldiers abroad that their sacrifices are not being forgotten at home.

Despite the hardships currently facing the nursing profession, Ms. Kane has not failed in her drive to serve those in need. All states are experiencing an increasing shortage of health care workers, and particularly, of nurses. Last year, the Senate passed the Nurse Reinvestment Act to better recruit and retain nurses. Nevertheless, we can and should do more. Our country's health care system needs more people like Ms. Kane, and we should do everything in our power to ensure that we support America's nurses.

I salute Janice Kane for her exceptional work as a registered nurse and wish to dignify her contribution to our great state and to our nation by naming her an Oregon Health Care Hero.●

IN RECOGNITION OF THE 100TH ANNIVERSARY OF SAINT HEDWIG CATHOLIC CHURCH

• Mr. LEVIN. Mr. President, it is my great pleasure to congratulate an outstanding and historic church from my home State of Michigan. This year, Saint Hedwig Catholic Church, located in southwest Detroit, is celebrating its centennial anniversary.

Saint Hedwig Catholic Church grew out of a flourishing Polish neighborhood in 1903 and has continued to serve those in the community ever since. Over the course of the next 100 years, the church supported a school, a convent, and many civic organizations. The church community provided a safe haven of support for many Polish immigrants as they fled Europe during the first half of the twentieth century—a time when war ravaged the continent. During the mid-1950s, Saint Hedwig was one of the largest Polish-speaking parishes in the United States. Weekly services were delivered to 1,500 families and the church's school population grew to nearly 3,000 students.

Today, the church and rectory still stand at the corner of Junction and St.